

Case Officer: Michael Sackey **Ward(s):** Banbury Calthorpe And Easington

Applicant: Mr & Mrs B Dhesi

Ward Member(s): Cllr Colin Clarke
Cllr Kieron Mallon
Cllr Nigel Morris

Proposal: Single storey front and side extension and two storey rear extensions

Committee Date: 16.02.2017 **Recommendation:** Approve

Reason for referral: One of the joint applicants is an elected member.

1. Application Site and Locality

- 1.1 The application relates to a two storey detached dwelling with a detached garage, constructed of brick with a tiled roof, facing south on to Waller Drive. There are no changes in the levels across the site that would significantly affect the application assessment. The site which lies within the built form of Banbury is bounded by residential properties to the north and east. The application site is not listed or within a designated Conservation Area.

2. Description of Proposed Development

- 2.1. The current application is for single storey front and side extensions and a two storey rear extension. The proposed front extension would measure approximately 1.6m in depth, 2.5m width with an overall lean to roof height of 4.3m. The proposed side extension would measure approximately 2.8m depth, 1.3m width with an overall roof height of 3.9m sloping down to an eaves height of 3m. The proposed two storey rear extension would measure approximately 3.5m depth 10.6m width with an overall roof height sloping down to an eaves height of 7.3m sloping down to an eaves height of 5m.

3. Relevant Planning History

- 3.1. CHN.552/92 : Wholly residential 80 two storey detached houses and 10 bungalows with roads, sewers & ancillary services and construction of access 18th November 1992

4. Response to Publicity

This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records.

One letter of objection has been received, though the comments made relate to non-planning issues, i.e. are not material considerations for a planning application.

5. Response to Consultation

Parish/Town Council:

Objection, these proposals would be out of keeping with street scene, contrary to saved policies C28 & C30 of the Local Plan.

Oxfordshire County Council:

Local Highway Authority - No objections

6. Relevant National and Local Planning Policy and Guidance

6.1 Development Plan Policies:

The Cherwell Local Plan 2011-2031 Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the Development Plan. Planning legislation requires planning decisions to be made in accordance with the Development Plan unless material planning considerations indicate otherwise. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

Cherwell Local Plan 2011 - 2031 Part 1

ESD15 - The Character of the Built and Historic Environment

Cherwell Local Plan 1996 (Saved Policies)

Policy C28 – Layout, design and external appearance of new development

Policy C30 – design of new residential development

6.2 Other Material Planning Considerations:

National Planning Policy Framework (The Framework) - National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied.

Planning Practice Guidance (NPPG) – This sets out regularly updated guidance from central Government to provide assistance in interpreting national planning policy and relevant legislation.

7. Appraisal

7.1 Officers' consider the following matters to be relevant to the determination of this application:

- Design, Layout and Appearance;
- Visual Impact;
- Highway Safety and Parking;

Design, and impact on the character of the area

7.2 The proposed single storey front and side extensions would be set down in height in relation to the existing dwelling and although visible from the public realm would not be unduly prominent in relation to the existing dwelling and are considered subordinate in relation to the existing dwelling.

- 7.3 The proposed two storey rear extension introducing two end gables to the rear would have a greater impact on the street scene, visible from Waller Drive as the front elevation faces south away from the road, but would be set down in height in relation to the existing dwelling. Although the two storey rear extension is of a significant scale and visible from the highway, the proposal would be well massed and would be of a harmonious form and overall is considered sufficiently subservient in relation to the existing dwelling.
- 7.4 The materials proposed for the overall development are considered to be acceptable and would match those of the existing dwelling.
- 7.5 The proposal would therefore be in keeping with the existing dwelling and would not adversely affect the visual amenity of the locality. The proposal would thus accord with retained Policy C28 of the Cherwell Local Plan 1996 (Saved Policies) and Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1.

Residential amenity

- 7.6 The proposed development would be set off the boundaries of the neighbouring properties and would comply with the 45 degree rule with regards to the adjacent neighbours.
- 7.7 The proposed development would have an impact on the neighbour to the North at 31 Waller Drive in terms of privacy, but given the relationship between 31 Waller Drive and the neighbours at 15 and 19 Waller Drive and with regards to a two storey rear extension which could be achieved by the way of the property's permitted development rights which would have a similar impact, it is considered not to be significant to the extent that warrants refusal of the current application.
- 7.8 Overall, having regard to its scale and siting, along with the spatial relationship with the neighbours, the proposal would not have a significant impact either through loss of light or outlook and would not result in the direct overlooking on to the neighbouring properties.
- 7.9 The proposal would thus accords with Policy C28 of the Cherwell Local Plan 1996 (Saved Policies) and Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1.

Impact on highway safety

- 7.10 The Local Highway Authority has raised no objections to the proposed development. The comments of the objector are noted. However, the intended use of the dwelling would be a separate matter to the current application to be investigated should it become appropriate to do so.
- 7.11 The proposals do not affect existing parking provision within the site and although the proposal would result in additional bedrooms (or rooms capable of being used as bedrooms), the proposal would not affect existing parking provision. The proposals are therefore acceptable in highway safety terms.

Engagement

With regard to the duty set out in paragraphs 186 and 187 of the Framework, it is considered that the duty to be positive and proactive has been timely discharged, in accordance with the Framework.

8. Conclusion

- 8.1 The proposal would be an acceptable addition to the existing dwelling, would respect the character and visual amenity of the site's surroundings and respond appropriately to the site's characteristics. This proposal would not adversely affect residential amenity and there is satisfactory parking provision. The proposal would thus comply with Policies C28 and C30 Cherwell Local Plan 1996 (Saved Policies), Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1 and the relevant paragraphs of the Framework.

9. Recommendation

- 9.1 Approve subject to the following conditions:

- 1 The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, drawings No "P/16/155/001" and "P/16/155/003"

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

- 3 The materials and architectural detailing to be used in the construction of the external surfaces of the development hereby permitted shall match, in material and colour, those used in the existing building, and shall be retained as such in perpetuity.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority, and to comply with Government guidance contained within the National Planning Policy Framework and Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1.

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